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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,372	12/19/2000	Samuel N. Zellner	00137	4936

7590

05/16/2003

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EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,372

Applicant(s)

ZELLNER ET AL.

Examiner

Brandon J Miller

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-7, 14-16, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kirbas.

Regarding claim 1 Baker teaches obtaining an identity of a user operating a wireless communication device (see col. 7, lines 12-20). Baker teaches obtaining information about the location of a user and transferring information about the location of a user to a third party for selection of advertisements to be sent to a user (see col. 2, lines 14-27 and col. 9, lines 15-35). Baker teaches a user transferring information to a third party with the ability to turn off and on identity information regarding a user (see col. 4, lines 26-29 & 44-47). Baker does not teach providing an identity-blocking service. Kirbas teaches providing an identity-blocking service (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Baker adapt to include providing an identity-blocking service because this would allow for secure WEB based distribution of advertisements to wireless communication subscribers.

Regarding claim 3 Baker teaches a third party that is an advertiser desirous of sending an advertisement to a wireless communication device (see col. 9, lines 15-40).

Art Unit: 2683

Regarding claim 4 Baker teaches user specific information about the identity of a user and storing the information about the identity of the user (see col. 7, lines 62-67 and col. 8, lines 1-4).

Regarding claim 6 Baker and Kirbas teaches a device as recited in claim 4 except for providing information about the identity of a user that is performed when a user signs up for an identity-blocking service. Baker does teach providing identifying information of a user that is performed when a user signs up for a service (see col.2, lines 51-56). Kirbas does teach providing an identity-blocking service (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include providing information about the identity of a user that is performed when a user signs up for an identity-blocking service because this would allow for secure WEB based distribution of advertisements to wireless communication subscribers.

Regarding claim 7 Baker teaches storing information that includes a maintaining a database to store information therein (see col. 7, lines 62-67).

Regarding claim 14 Baker and Kirbas teach a device as recited in claim 1 except for allowing a user to unblock disclosure of the identity of a user to a third party. Baker does teach a user with the ability to turn off and on identity information regarding the user using a WEB page (see col. 4, lines 26-29 & 44-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include allowing a user to unblock disclosure of the identity of a user to a third party because this would allow for direct communication between a WEB based advertisement distributor and a wireless subscriber.

Art. Unit: 2683

Regarding claim 15 Baker and Kirbas teach a device as recited in claim 14 and is rejected given the same reasoning as above.

Regarding claim 16 Baker teaches providing information about a location of a user operating a wireless communication device (see col. 2, lines 20-25). Baker teaches obtaining an identity of a user (see col. 7, lines 12-20). Baker teaches identifying the location of a user and transmitting the information about the location of a user to a subscriber desirous of sending an advertisement to a wireless communication device (see col. 2, lines 14-27 and col. 9, lines 15-35). Baker teaches obtaining information about the location of a user and transferring information about the location of a user to a third party for selection of advertisements to be sent to a user (see col. 2, lines 14-27 and col. 9, lines 15-35). Baker does not teach transmitting information about the location of a user that excludes disclosure of the identity of a user. Kirbas teaches transmitting information to a user that excludes disclosure of the identity of a user (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include transmitting information about the location of a user that excludes disclosure of the identity of a user because this would allow for secure WEB based distribution of advertisements to wireless communication subscribers.

Regarding claim 18 Baker teaches user specific information about the identity of a user and storing the information about the identity of the user (see col. 7, lines 62-67 and col. 8, lines 1-4).

Regarding claim 25 Baker and Kirbas teach a device as recited in claim 14 and is rejected given the same reasoning as above.

Art,Unit: 2683

Claims 2, 5, 8-12, 17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kirbas and Boyd.

Regarding claim 2 Baker and Kirbas teach a device as recited in claim 1 except for charging a fee to a user for blocking the identity of a user from being disclosed to a third party. Kirbas does teach blocking the identity of a user from being disclosed (see abstract). Boyd teaches charging a fee for a communication service (see col. 8, lines 45-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include charging a fee to a user for blocking the identity of a user from being disclosed to a third party because this would allow for subscriber information used in WEB based distribution of advertisements to be available at a charge.

Regarding claim 5 Baker and Kirbas teach a device as recited in claim 4 except for providing information about the identity of a user that is performed when a user signs up for a communication service that allow a user to operate a wireless communication device. Boyd teaches providing information about the identity of a user that is performed when a user signs up for a communication service that allow a user to operate a wireless communication device (see col. 6, lines 3-15). It would have been obvious to one of ordinary skill in the art to make the invention adapt to include providing information about the identity of a user that is performed when a user signs up for a communication service that allow a user to operate a wireless communication device because this would allow for targeted advertisements to be delivered to wireless subscribers using information associated with or retrieved using an identifying signal.

Art Unit: 2683

Regarding claim 8 Boyd teaches monitoring one or more signals transmitted by a wireless communication device operated by a user and determining the location of a user based on an analysis of one or more signals (see col. 12, lines 23-30).

Regarding claim 9 Boyd teaches receiving information about the location of a user supplied by a wireless communication device (see col. 6, lines 5-15 and col. 12, lines 23-30).

Regarding claim 10 Baker teaches obtaining information about the location of a user and transferring information about the location of a user to a third party for selection of advertisements to be sent to a user (see col. 2, lines 14-27 and col. 9, lines 15-35). Baker does not teach obtaining second information about a second location of a user when a user moves a pre-determined distance from a first location and transferring the second information about the second location without disclosing the identity of the user to the third party. Baker does teach a user transferring information to a third party with the ability to turn off and on identity information regarding the user (see col. 4, lines 26-29 & 44-47). Kirbas teaches transmitting information to a user that excludes disclosure of the identity of a user (see abstract). Boyd teaches obtaining second information about a second location of a user when a user moves a pre-determined distance from a first location and transferring second information about the second location (see col. 12, lines 30-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include obtaining second information about a second location of a user when a user moves a pre-determined distance from a first location and transferring the second information about the second location without disclosing the identity of the user to the third party because this would allow for the dynamic

Art Unit: 2683

distribution of secure WEB advertisements to wireless communication subscribers based on location information.

Regarding claim 11 Baker teaches monitoring the movement of a user operating a wireless communication device and sending an indication when the user is found to be in a substantially continuous motion (see col. 12, lines 24-40).

Regarding claim 12 Boyd teaches charging a fee to a third party for an information service (see col. 8, lines 45-50).

Regarding claim 17 Baker, Kirbas, and Boyd teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 19 Baker, Kirbas, and Boyd teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 20 Baker, Kirbas, and Boyd teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 21 Boyd teaches charging a fee to a subscriber for an information service (see col. 8, lines 45-50) and providing information about the location of a user (see col. 12, lines 23-26).

Regarding claim 22 Boyd teaches monitoring the movement of a user operating a wireless communication device; and informing a subscriber at pre-determined intervals about changes in location of the user (see col. 12, lines 23-40).

Regarding claim 23 Baker teaches informing a subscriber about location that is performed over the Internet (see col. 2, lines 20-25 & 35-41).

Art. Unit: 2683

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kirbas and Hidary.

Regarding claim 13 and 24 Baker and Kirbas teach a device as recited in claim 1 except for disclosing the identity of a user to an emergency service provider when a user request emergency help. Hidary teaches providing an emergency channel to an emergency service provider when a user requests emergency help (see col. 2, lines 57-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include disclosing the identity of a user to an emergency service provider when a user request emergency help because this would allow for WEB based distribution of advertisements to be bypassed during an emergency situation.

Regarding claim 24 Baker, Kirbas, and Hidary teach a device as recited in claim 13 and is rejected given the same reasoning as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tajima et al U.S. Patent 6,101,381 discloses a telecommunications system, radio base station thereof, and portable telecommunication terminal thereof.

Rouhollahzadeh U.S. Patent 6,208,866 discloses a system and method for location-based marketing to mobile stations with a cellular network.

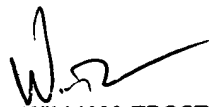
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

Art. Unit: 2683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

May 8, 2003



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600